

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TONY FOUNTAIN #152157,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:06-cv-548-MHT
)	
DR. PEASANT et al.,)	
)	
Defendant.)	
)	

SUPPLEMENTAL ANSWER AND SPECIAL REPORT

COMES NOW the Defendant John M. Peasant, M.D., and in response to this Court’s Order to supplement the record, submits the attached medical reports concerning the Plaintiff’s medical procedure on November 8, 2006.

Analysis of Fountain’s Medical Records

The attached medical records demonstrate that Fountain was taken to a free-world appointment (“FWA”) on November 8, 2006. Richard M. Miller, M.D., of Alabama Pathology Associates, P.C., performed a colonoscopy on Fountain, which colonoscopy revealed two polyps. During the November 8th colonoscopy, Dr. Miller removed, or “excised histologically,” these two polyps and sent them for analysis. Both of these polyps were diagnosed as “tubulovillous adenoma.” “Tubulovillous” describes the shape of the polyp, meaning both were villous

(finger-like or hair-like) and tubular. TABER'S CYCLOPEDIA MEDICAL DICTIONARY T-79, V-29 (14th ed. 1983). "Adenoma" is pathologically descriptive: it is a collection of *benign* growths of glandular origin. WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY 56 (1987). In other words, Fountain's two polyps were *not* cancerous. This is recorded in Fountain's November 10th pathology results. No other findings were reported. Dr. Miller scheduled Fountain to return in three years for a follow-up. This follow-up was also noted in Fountain's Progress Notes with PHS.

Fountain does not have cancer. Dr. Peasant is entitled to qualified immunity, and no constitutional violation has occurred. Dr. Peasant respectfully requests that Fountain's complaint be dismissed with prejudice.

Respectfully submitted,

s/H.C. Ireland, III

H.C. Ireland, III

Bar Number: ASB-9915-D66H

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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and by US mail, First Class postage prepaid, and properly addressed to:

Tony Fountain #152157
Staton Correctional Facility
PO Box 56
Elmore, AL 36025-0056

Respectfully submitted,

s/H.C. Ireland, III
H.C. Ireland, III
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